

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  NOS COMMUNICATIONS, INC.	DOCKET NOS. TCU-01-7 TF-01-106 WRU-01-27-591
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**ORDER DOCKETING APPLICATION, EXTENDING TIME TO CONSIDER  
APPLICATION, AND ASSIGNING TO ADMINISTRATIVE LAW JUDGE**

(Issued June 13, 2001)

On April 2, 2001, NOS Communications, Inc. (NOS), filed an application with the Utilities Board (Board) for issuance of a certificate of convenience and necessity to provide resold and facilities-based local exchange service in Iowa. The application was identified as Docket No. TCU-01-7. NOS also filed proposed tariffs that were identified as TF-01-106. On April 19, 2001, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed an objection to the issuance of a certificate. On May 15, 2001, NOS filed a request for an extension of time to respond to the objection of Consumer Advocate. The Board by order issued on May 19, 2001, granted the extension until May 29, 2001.

On May 29, 2001, NOS filed its response to Consumer Advocate's objection. Also on May 29, 2001, NOS filed a request for waiver of Board rules 199 IAC 16.5(2), 18.2, and 22.3(1). The waiver request was identified as Docket No. WRU-01-27-591. On June 8, 2001, Consumer Advocate filed a resistance to the waiver request.

Iowa Code § 476.29 (2001) states that a certificate shall be issued by the Board, after notice and opportunity for hearing, if the Board determines that the service proposed to be rendered will promote the public convenience and necessity. The statute states that the Board shall not deny a certificate if it finds that the applicant possesses the technical, financial, and managerial ability to provide the service and the Board finds the service is consistent with the public interest. The statute requires the Board to make its determination within 90 days unless it determines that additional time is necessary to consider the application. The Board may then extend the time for making a determination another 60 days.

To address Consumer Advocate's objection, the Board will docket the application and set the matter for hearing. The Board will be unable to conduct a hearing within the initial 90-day period. In order to have sufficient time for prefilings testimony and conducting a hearing, the Board will extend the date for determination an additional 60 days, to August 30, 2001. The Board will assign this proceeding to the administrative law judge, who will establish a procedural schedule.

**IT IS THEREFORE ORDERED:**

1. The application for a certificate of convenience and necessity to provide resold and facilities-based local exchange service filed by NOS Communications, Inc., on April 2, 2001, is docketed for hearing.
2. The date for making a determination concerning the application filed by NOS Communications, Inc., is extended until August 30, 2001.

3. Docket Nos. TCU-01-7, TF-01-106, and WRU-01-27-591 are assigned to administrative law judge pursuant to 199 IAC 7.1(4).

**UTILITIES BOARD**

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/s/ Susan J. Frye

ATTEST:

/s/ Judi K. Cooper  
Acting Executive Secretary

/s/ Diane Munns

Dated at Des Moines, Iowa, this 13<sup>th</sup> day of June, 2001.